

## Message Text

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12

ORIGIN EB-11

INFO OCT-01 EA-11 NEA-10 ADP-00 CAB-09 CIAE-00 COME-00

DODE-00 INR-09 NSAE-00 RSC-01 FAA-00 L-03 /055 R

DRAFTED BY EB/ AN: PJGLASOE: DAP

3/23/73 EXT. 20352

APPROVED BY EB/ AN: MHSTYLES

CAB - MISS PETT ( DRAFT)

NEA/ ARN - MR. DJEREJIAN ( DRAFT)

----- 010623

R 232311 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY BEIRUT

INFO AMCONSUL HONG KONG

AMEMBASSY TOKYO

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E. O. 11652: N/ A

TAGS: ETRN, LE

SUBJECT: CIVAIR - TMA PERMIT

REF: BEIRUT 3131, 2935, 3314

1. EMBASSY REQUESTED TO MAKE FOLLOWING POINTS TO APPROPRIATE GOL OFFICIAL.

2. USG IS NOT DENYING THE RIGHT OF TMA TO OPERATE THROUGH HONG KONG ON ITS EASTBOUND ROUND THE WORLD SERVICE, AS SET FORTH IN THE ROUTE GRANTED TO LEBANON IN THE AUGUST 1970 EXCHANGE OF NOTES. HONG KONG IS NOT IN TMA'S 1971 FOREIGN AIR CARRIER PERMIT SOLELY BECAUSE RIGHTS AT HONG KONG WERE NOT SOUGHT BY THE CARRIER IN ITS APPLICATION. THAT IS, TMA'S 1971 APPLICATION ASKED FOR THE RIGHT TO SERVE "INTERMEDIATE POINTS IN INDIA, TAILAND, MALAYSIA, THE PHILIPPINES, TAIWAN, JAPAN". ALTHOUGH THE 1970 INTER-GOVERNMENTAL NOTE EXCHANGE REFERS TO THE ROADER CONCEPT OF "INTERMEDIATE POINTS IN ASIA", THE CIVIL AERONAUTICS BOARD FOLLOWED ITS STANDARD PRACTICE BY GRANTING THE CARRIER IN-

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VOLVED ONLY THOSE RIGHTS FOR WHICH IT APPLIED. AS THE CAU EXAMINER NOTED AT THAT TIME, THE AIRLINE ITSELF GAVE "DEFINITIVE CONTENT TO THAT PHRASE" (I. E. "INTERMEDIATE POINTS IN ASIA").

3. ON THE OTHER HAND, THE DECEMBER 1972 PERMIT OF TMA WHICH IMPLEMENTS THE TWO- WAY RIGHTS TO AND FROM "POINTS IN THE FAR EAST" SETS FORTH THE SPECIFIC POINTS IT DOES (TO QUOTE THE BOARD) "IN ACCORDANCE WITH THE SERVICE PROPOSALS OF TMA" (IN THIS CASE, OF COURSE, INCLUDING HONG KONG).

4. FYI. SECONDLY, WE ARE NOT AWARE OF ANY FORMAL GOL APPROACH TO THE USG ON THE SUBJECT OF HONG KONG WHICH ABU HAIDAR ALLEGES WAS MADE AND NOT ANSWERED (PARA 3 BEIRUT 2935). END FYI.

5. ASIDE FROM ABOVE MATTER OF SUBSTANCE, THERE IS OBVIOUSLY PRACTICAL ADMINISTRATIVE MATTER OF INCORPORATING RIGHTS AT HONG KONG IN TMA'S 1971 PERMIT NOW THAT THE AIRLINE HAS INTEREST IN SUCH RIGHTS. ON JANUARY 22, 1973, THE AIRLINE'S LOCAL ATTORNEYS FILED DIRECTLY WITH THE CAB AN APPLICATION FOR AMENDMENT OF THAT PERMIT TO INCLUDE HONG KONG. ON MARCH 13, THESE ATTORNEYS WERE ADVISED BY CAB THAT THE APPLICATION COULD NOT BE ACTED UPON UNTIL IT WAS PROPERLY SUBMITTED THROUGH DIPLOMATIC CHANNELS IN ACCORDANCE WITH STANDING CAB REGULATIONS. THE DEPARTMENT HAS SO FAR RECEIVED NO RPT NO SUCH SUO MISSION FROM LEONIANESE EMBASSY AND THUS CANNOT, OF COURSE, FORWARD IT TO THE CAB.

6. ON QUESTION OF PROCESSING TMA APPLICATION, THE CAB HAS INFORMED DEPT THAT THE NORMAL STEPS OF PREPARING, HEARING, LAW JUDGE'S RECOMMENDED DECISION, ETC. MUST BE FOLLOWED, SINCE ONCE AGAIN THE INTERVENTION OF FLYING TIGER AND, PERHAPS, SEABOARD, MUST BE CONTESTED WITH. ANY SHORT-CUTTING OF THE REQUIRED STAGES OF PROCESSING WOULD BE POUNCED UPON BY INTERVENORS' ATTORNEYS AND CREATE ADDITIONAL DELAYS. WITHIN THIS FRAMEWORK, ON THE OTHER HAND, THE CAB STATES THAT IT WILL PROCESS THE APPLICATION EXPEDITIOUSLY.

7. IN THE INTERIM, THE USG HOPES THAT THE GOL WILL NOT TAKE PRECIPITATE ACTION AGAINST PAN AMERICAN'S LONG RECOGNIZED LIMITED OFFICIAL USE

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NIZED AND IMPLEMENTED RIGHTS BETWEEN BEIRUT AND HONG KONG.

SUCH ACTION WOULD NOT MATERIALLY AFFECT THE TIMING OF THE PROCESSING OF THE TMA APPLICATION. NEITHER WOULD IT APPEAR APPROPRIATE IN VIEW OF THE SITUATION DESCRIBED IN PARAS 2, 5 AND 6 ABOVE.

8. FYI. GOL THREAT AGAINST PANAM MAY, IF IMPLEMENTED, HAVE LITTLE IMPACT ON PANAM SINCE IT CARRIES LITTLE BEIRUT- HONG KONG TRAFFIC. END FYI. ROGERS

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

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